

November 19, 2003

Dear Health Care Provider/Health Plan:

This letter is to assure you that participating in a California immunization registry does not violate the Health Insurance Portability and Accountability Act (HIPAA).

Under 45 Code of Federal Regulations 164.512, a health care provider or plan covered by HIPAA may disclose confidential health information without an individual authorization for public health activities and purposes to a public health authority authorized by law to collect such information. Immunization registries are operated by local health departments and the State Department of Health Services, public health authorities authorized by Health and Safety Code section 120440 to collect specific information pertaining to children's immunizations. Under HIPAA, a public health authority may collect information for the purpose of preventing or controlling disease and the conduct of public health surveillance, public health investigations, and public health interventions. Disclosing health information to an immunization registry is clearly for the purpose of controlling disease and the conduct of a public health surveillance and intervention by tracking the immunization status of children.

HIPAA says nothing about whom the public health authority may re-disclose health information to. The California immunization registry statute, Health and Safety Code section 120440, lays out the legal framework for reporting to the immunization registry and to whom certain information in the registry may be re-disclosed. The law also requires that the patient, parent, or guardian be informed that immunization information, along with individual identifiers, may be shared, according to the terms of the statute. The patient, parent, or guardian may refuse to allow this record sharing.

The immunization registry statute requires that providers, agencies, and others to whom immunization information is disclosed, treat the shared information as confidential and use it only in accordance with the statute, i.e., to provide immunization services to patients, including issuing reminder notices, to facilitate payment for immunizations, to check immunization status, and for statistical purposes. These institutions and providers are also subject to civil action and criminal penalties for wrongful disclosure of information in the immunization registry.

Thus, the immunization registry statute strictly controls the further sharing of immunization information to assure its confidentiality.

Sincerely,



Roberta M. Ward  
Senior Counsel and Privacy Officer  
Office of Legal Services



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